

covered by the definition of the word "oath" in section 1 of title 7. The words "it has" are substituted for the words "shall have" in the second sentence. The word "is" is substituted for the words "shall be" before the words "subject" and "conclusive". The word "commissioned" is inserted for clarity.

In subsection (b), the word "If" is substituted for the word "Where". The word "considered" is substituted for the word "deemed".

§ 940. Art. 140. Delegation by the President.

The President may delegate any authority vested in him under this chapter, and provide for the sub-delegation of any such authority. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 78.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
940-----	50: 736.	May 5, 1950, ch. 169, § 1 (Art. 140), 64 Stat. 145.

The word "may" is substituted for the words "is authorized to * * * to".

Chapter 49.—MISCELLANEOUS PROHIBITIONS AND PENALTIES

[No present sections]

Chapter 51.—RESERVE COMPONENTS: STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

Sec.

1001. Secretary to prescribe.
1003. Officers: age limitations.
1004. Physical examination.

§ 1001. Secretary to prescribe.

(a) The Secretary concerned shall, by regulation, prescribe—

(1) standards and qualifications for the retention and promotion of members of the reserve components under his jurisdiction; and

(2) equitable procedures for the periodic determination of the compliance of each such Reserve with those standards and qualifications.

(b) If a Reserve fails to comply with the standards and qualifications prescribed under subsection (a), he shall—

(1) if qualified, be transferred to an inactive reserve status;

(2) if qualified, be retired without pay; or

(3) have his appointment or enlistment terminated. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 79.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1001 (a)---	10: 1036c (1st sentence); 34: 440k (1st sentence).	June 29, 1948, ch. 708, § 304 (less last sentence), 62 Stat. 1088.
1001 (b)---	10: 1036c (2d sentence); 34: 440k (2d sentence).	

In subsection (a), the words "As soon as may be practicable after the effective date of sections 1036—1036i [440h—440q] of this title" are omitted as executed. The words "not inconsistent with said sections or any other Act" and "appropriate" are omitted as surplusage.

§ 1003. Officers: age limitations.

A reserve officer who has passed the maximum age prescribed for his grade and classification may, as prescribed by the Secretary concerned—

(1) be separated from the armed force concerned;

(2) be retained in, or transferred to, an active or inactive status; or

(3) upon his request, be retained in, or transferred to, a retired status.

However, no officer of the Army National Guard of the United States or the Air National Guard of the United States may be retained or transferred under this section without the consent of the governor or other appropriate authority of the jurisdiction concerned. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 79.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1003-----	50: 955.	July 9, 1952, ch. 608, § 231, 66 Stat. 489.

The words "who has passed" are substituted for the words "whose age exceeds". The words "from the armed force concerned" are inserted for clarity.

§ 1004. Physical examination.

(a) Each Reserve who is not on active duty and not in the Retired Reserve shall be examined as to his physical fitness at least once every four years, or more often as the Secretary concerned considers necessary, and shall execute and submit annually a certificate of physical condition.

(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

(c) Except as otherwise provided by law, the Secretary concerned may provide for the honorable discharge or the transfer to a retired status of members of the the reserve components under his jurisdiction who are found to be not physically qualified for active duty. However, no member of the Army National Guard of the United States or the Air National Guard of the United States may be transferred under this subsection without the consent of the governor or other appropriate authority of the jurisdiction concerned. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 79.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1004 (a)---	50: 949.	July 9, 1952, ch. 608, §§ 225, 226, 66 Stat. 488.
1004 (b)---	50: 950 (last sentence).	
1004 (c)---	50: 950 (less last sentence).	

In subsection (a), the words "Each * * * who is not on active duty" are substituted for the words "when not on active duty all". The words "examined as to his physical fitness" are substituted for the words "given

physical examinations". The words "be required to" are omitted as surplusage. The words "executed and" are inserted for clarity.

In subsection (c), the words "under his jurisdiction" are inserted for clarity.

Chapter 53.—MISCELLANEOUS RIGHTS AND BENEFITS

Sec.

1031. Administration of oath.

1032. Dual capacity: Reserve accepting employment with foreign government or concern.

1033. Compensation: Reserve on active duty accepting from any person.

1034. Communicating with a member of Congress.

1035. Enlisted members' deposits.

§ 1031. Administration of oath.

Any commissioned officer of any component of an armed force, whether or not on active duty, may administer any oath—

(1) required for the enlistment or appointment of any person in the armed forces; or

(2) required by law in connection with such an enlistment or appointment. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 80.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1031.....	10: 19. 34: 217a-2.	May 22, 1950, ch. 193, § 1, 64 Stat. 187.

The words "(including the reserve component)" are omitted, since the words "any component of an armed force" include the reserve components. The words "any oath required for the enlistment or appointment of any person" are substituted for the words "the oath required for the enlistment of any person, the oath required for the appointment of any person to commissioned or warrant officer grade, and any other oath required by law in connection with the enlistment or appointment of any person".

§ 1032. Dual capacity: Reserve accepting employment with foreign government or concern.

Subject to the approval of the Secretary concerned, a Reserve may accept civil employment with, and compensation therefor from, any foreign government or any concern that is wholly or partly controlled by a foreign government. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 80.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1032.....	50: 982.	July 9, 1952, ch. 608, § 247, 66 Stat. 495.

The words "wholly or partly" are substituted for the words "in whole or in part".

§ 1033. Compensation: Reserve on active duty accepting from any person.

Notwithstanding any other provision of law, any Reserve who, before being ordered to active duty, was receiving compensation from any person may,

while he is on that duty, receive compensation from that person. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 80.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1033.....	50 App.: 454 (f) (less applicability to induction).	June 24, 1948, ch. 625, § 4 (f) (less applicability to induction), 62 Stat. 608).

The words "Notwithstanding any other provision of law" are substituted for the words "Nothing contained in this or any other Act shall be construed as forbidding". The words "firm, or corporation" are omitted since, under section 1 of title 1, the word "person" includes firms and corporations. The words "now or hereafter" and "any type of" are omitted as surplusage.

§ 1034. Communicating with a member of Congress.

No person may restrict any member of an armed force in communicating with a member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 80.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1034.....	50 App.: 454 (a) (last par.)...	June 24, 1948, ch. 625, § 4 (a) (last par.); restated June 19, 1951, ch. 144, § 1 (d) (last par.), 65 Stat. 78.

The words "prevented", "directly or indirectly", "concerning any subject", "or Members", and "and safety" are omitted as surplusage. The word "unlawful" is substituted for the words "in violation of law".

§ 1035. Enlisted members' deposits.

(a) An enlisted member of the Army, Navy, Air Force, or Marine Corps may deposit his savings, in amounts of \$5 or more, with any branch, office, or officer of his armed force designated by the Secretary concerned. That branch, office, or officer shall give the member a deposit book containing the name of the member and of the officer receiving the deposit. The amount, date, and place of each deposit shall be entered in that book. Amounts so deposited shall be deposited in the Treasury and kept as a separate fund called the "Pay of the Army, Deposit Fund", "Pay of the Navy, Deposit Fund", "Pay of the Air Force, Deposit Fund", or "Pay of the Marine Corps, Deposit Fund", as the case may be, and shall be accounted for in the same manner as public funds.

(b) Interest at the rate of 4 percent a year accrues on amounts deposited for six months or more.

(c) Payments of deposits from the respective funds named in subsection (a), and interest thereon, may be made only to the member upon discharge, or at such time before his discharge as may be prescribed by the Secretary concerned, or to the member's heirs or legal representative.